IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.13992 of 1999

The Salem and Dharmapuri Districts
Petroleum Dealers Association
rep.by its Secretary,
Mr.V.Kanagaraj .. Petitioner.

Versus

1.State of Tamil Nadu rep.by its
Secretary to the Government,
Civil Supplies Department,
Fort St.George, Chennai-600 009.

2.Inspector General of Police,
Civil Supplies Department (CID),
Chennai-2.

3.Superintendent of Police,
Civil Supplies (CID), Chennai.

4.Inspector of Police,
Foods Cell Office,
Civil Supplies C.I.D.,
Suramangalam, Salem-636 005.

5.Territory Manager,
Bharat Petroleum Corporation Ltd.,
Narappan Chavady, Sankagiri R.S.,
Salem District.

6. The Divisional Manager,
Indian Oil Corporation Ltd.,
Avinashi Road, Coimbatore-641 018.

7. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Dr.Ambedkar Veethi,
Indian Express Buildings, Bangalore-52.

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8.Senior Sales Officer,
Indo-Burma Petroleum Company,
B-8, Mahalakshmi Apartments,
R.S.Puram, Coimbatore-641 004. .. Respondents.

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from launching prosecution and arresting the petitioner members except where the density test result variation is beyond the limits prescribed in the Schedule I of the Motor Sprit and High Speed Diesel (Prevention of Malpractrice in Supply and Distribution) Order, 1990 and strictly adhere the above said order.

For Petitioner : Mr.M.Venkatachalapathy
Senior Counsel for
Mr.M.Sriram

For Respondents : Mr.V.Manoharan
Government Advocate (R1 to R4)

Mr.Meera Gupta (R6)
Mr.O.R.Santhanakrishnan (R7)

O R D E R

Today, when the matter had been taken up for hearing, it is submitted by the learned counsel appearing on behalf of the respondents 6 and 7 that the writ petition has become infructuous, in view of the fact that the Motor Sprit and High Speed Diesel (Prevention of Malpractrice in Supply and Distribution) Order, 1990, had been superceded by the subsequent order issued in the year 1998. It is also submitted that guidelines had been issued thereafter.

2. The learned counsel appearing on behalf of the petitioner had not denied the claims made by the learned counsel appearing on behalf of the respondents 6 and 7.

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3. In such circumstances, the writ petition is dismissed as infructuous, granting liberty to the petitioner to challenge the subsequent orders issued by the Ministry of Petroleum and Natural Gas, if any. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

csh

To

1. The Secretary to the Government,
State of Tamil Nadu,
Civil Supplies Department,
Fort St.George, Chennai-600 009.

2.Inspector General of Police,
Civil Supplies Department (CID),
Chennai-2.

3.Superintendent of Police,
Civil Supplies (CID), Chennai.

4.Inspector of Police,
Foods Cell Office,
Civil Supplies C.I.D.,
Suramangalam, Salem-636 005.

+1cc to M/s.O.R.Santhana Krishnan Advocate Sr 70390
+1cc to Mrs. Meena Gupta Advocate Sr 70375
+1cc to Govt. Pleader Sr 70755
+1cc to M/s. M.Sriram, Advocate Sr 70330

AKR (CO)
km/5.12.

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